

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HOBART CORPORATION, *et al.*, :

Plaintiffs,

v. :

DAYTON POWER & LIGHT  
COMPANY, *et al.*,

Defendants. :

Case No. 3:13-cv-115

JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE JOINT  
MOTION FOR APPROVAL OF PARTIAL SETTLEMENT AGREEMENT  
BETWEEN PLAINTIFFS AND BRIDGESTONE AMERICAS TIRE  
OPERATIONS, LLC (DOC. #855)

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This matter is currently before the Court on the Joint Motion for Approval of Partial Settlement Agreement Between Plaintiffs and Bridgestone Americas Tire Operations, LLC ("BATO"), Doc. #855. Defendants Waste Management of Ohio, Inc., and Pharmacia, LLC, filed Objections to the Joint Motion. Docs. ##878, 879. Defendants Sherwin-Williams Company and Cox Media Group Ohio, Inc., joined in those Objections. Docs. ##901, 903. Oral argument was held on January 14, 2019.

Having fully considered the arguments raised by the parties in their briefs and at oral argument, the Court OVERRULES WITHOUT PREJUDICE the Joint Motion for Approval of Partial Settlement Agreement Between Plaintiffs and BATO, Doc. #855. Although settlements are certainly encouraged in CERCLA cases, the

potential prejudice to the remaining Defendants must also be considered. The objecting Defendants have identified several ways in which the Partial Settlement could result in prejudice to all remaining Defendants.

The Court has determined that the best course of action is to rule on the pending motions for summary judgment. Once it is determined which Defendants remain in the litigation, the Court will convene a status conference during which it will chart the future course of this litigation and discuss possible settlement options. If a global settlement is not achieved, Plaintiffs and Bridgestone may then re-file their Joint Motion for Approval of Partial Settlement Agreement. If the Court ultimately overrules that motion, it will give BATO the opportunity to file a motion for summary judgment prior to trial.

Date: January 15, 2019



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE